

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 12/6/2012

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Invoke letter of credit.

Exact Wording for the Agenda:

Resolution authorizing the City Clerk-Treasurer to Invoke PNC Bank Letter of Credit No. 18799495 for Laurenwood Preserve Subdivision.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 11/29/2012

RESOLUTION NO. 12-_____

WHEREAS, PNC Bank issued a certain letter of credit (No. 18799495), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to PNC Bank Letter of Credit No. 18799495, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 6th day of December, 2012.

President of the City Council
of the City of Huntsville,
Alabama

APPROVED this the 6th day of December, 2012.

Mayor of the City of
Huntsville, Alabama

PNC Bank, National Association
Trade Service Operations
500 First Avenue - 2ND Floor
Pittsburgh, PA 15219
Mail Stop: P7-PFSC-02-T

Customer Service: 1800-862-4589
SWIFT Address: PNCCUS33



DATE: June 25, 2012

CITY OF HUNTSVILLE, ALABAMA
308 FOUNTAIN CIRCLE
HUNTSVILLE, AL 35801

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT

PNC BANK NEW REFERENCE NUMBER: 18799495-00-000
APPLICANT: CAPSHAW RIDGE III, INC.
CURRENT AVAILABLE AMOUNT: \$51,090.00
EXPIRY DATE: DECEMBER 11, 2012
EXPIRY PLACE: OUR COUNTERS

EFFECTIVE MARCH 3, 2012, IRREVOCABLE STANDBY LETTER OF CREDIT 2141
ISSUED BY RBC BANK USA IS AMENDED AS FOLLOWS:

THE ISSUING BANK IS NOW TO READ PNC BANK, NATIONAL ASSOCIATION

DRAFTS, IF REQUIRED BY THE EXISTING TERMS OF THE LETTER OF CREDIT, MUST
NOW BE DRAWN ON PNC BANK, NATIONAL ASSOCIATION AND REFERENCE OUR LETTER
OF CREDIT NO. 18799495-00-000.

RE: ARTICLE 5 SIDEWALK, LETTER OF CREDIT FOR LAURENWOOD PRESERVE PHASE 3

THIS LETTER OF CREDIT IS NOW AVAILABLE FOR PAYMENT AT THE COUNTERS OF
PNC BANK, NATIONAL ASSOCIATION LOCATED AT 500 FIRST AVENUE, 2ND FLOOR,
P7-PFSC-02-T, ATTN: STANDBY LETTER OF CREDIT DEPARTMENT, PITTSBURGH, PA
15219

DOCUMENTS MAY BE PRESENTED ON OR BEFORE THE EXPIRATION DATE AT EITHER OF THE
FOLLOWING:

PNC BANK NATIONAL ASSOCIATION
500 FIRST AVENUE, 2ND FLOOR
P7-PFSC-02-T
PITTSBURGH, PA 15219
ATTN: STANDBY LETTER OF CREDIT

MS
6/29/12

M 1-7-12

OK KCA

OK
CEN

PNC Bank National Association
Trade Service Operations
500 First Avenue - 2ND Floor
Pittsburgh, PA 15219
Mail Stop P7-PFSC-02-T

Customer Service: 1800-682-4689
SWIFT Address: PNCCUS33



OR

PNC BANK NATIONAL ASSOCIATION
100 CHURCH STREET, 3RD FLOOR
HUNTSVILLE, AL 35801

ATTENTION: BRANCH MANAGER OR SALES AND SERVICE MANAGER

ALL REFERENCES IN THE LETTER OF CREDIT TO THE ISSUING BANK SHOULD NOW
READ PNC BANK, NATIONAL ASSOCIATION

ALL REFERENCES IN THE LETTER OF CREDIT TO THE LETTER OF CREDIT NUMBER
SHOULD NOW READ 18799495-00-000

PLEASE SIGNIFY YOUR CONSENT TO THIS AMENDMENT BY SIGNING THE ATTACHED
COPY OF THIS AMENDMENT AND RETURNING THE SAME DIRECTLY TO US BY MAIL TO
OUR ADDRESS AT 500 FIRST AVENUE, 2ND FLOOR, P7-PFSC-02-T, ATTN: STANDBY
LETTER OF CREDIT DEPARTMENT, PITTSBURGH, PA 15219. YOUR IMMEDIATE
ATTENTION TO THIS MATTER IS REQUIRED IN ORDER THAT WE MAY COMPLETE OUR
RECORDS

ALL OTHER CONDITIONS REMAIN UNCHANGED


PNC BANK, NATIONAL ASSOCIATION
GLOBAL TRADE SERVICE OPERATIONS

PNC Bank, National Association
Trade Service Operations
600 First Avenue - 2ND Floor
Pittsburgh, PA 15219
Mail Stop: P7-PFSC-02-T

Customer Service: 1800-682-4689
SWIFT Address: PNCCUS33



IN REFERENCE TO AMENDMENT UNDER PNC BANK LETTER OF CREDIT NUMBER
18799495-00-000

☒ WE HEREBY CONSENT TO THE TERMS AND CONDITIONS OF THIS AMENDMENT

☐ WE HEREBY DO NOT CONSENT TO THE TERMS AND CONDITIONS OF THIS
AMENDMENT.

WE FURTHER CERTIFY THAT THE UNDERSIGNED IS AUTHORIZED TO EXECUTE THIS
AGREEMENT

CITY OF HUNTSVILLE, ALABAMA

BY:

Charles E. Hazard

DATE:

7/3/2012



DATE: MARCH 20, 2012

CITY OF HUNTSVILLE, ALABAMA
308 FOUNTAIN CIRCLE
HUNTSVILLE, AL 35801

EFFECTIVE AT THE END OF THE DAY ON MARCH 2, 2012, RBC BANK USA WAS MERGED INTO PNC BANK, NATIONAL ASSOCIATION. YOU ARE THE BENEFICIARY OF THE LETTER OF CREDIT ISSUED BY RBC BANK USA THAT IS REFERENCED IN THE ATTACHED AMENDMENT.

THE LETTER OF CREDIT IS BEING AMENDED TO REFLECT SEVERAL CHANGES REGARDING YOUR LETTER OF CREDIT. PLEASE REVIEW THE ATTACHED AMENDMENT CAREFULLY AND NOTE THAT THE ISSUING BANK'S NAME, PLACE OF PRESENTATION AND THE LETTER OF CREDIT NUMBER ARE BEING AMENDED.

AFTER YOUR REVIEW, PLEASE SIGN THE ATTACHED CONSENT TO THE AMENDMENT AND RETURN IT TO PNC BANK, NATIONAL ASSOCIATION, 500 FIRST AVENUE, 2ND FLOOR, PF-PFSC-02-T, ATTN: STANDBY LETTER OF CREDIT DEPARTMENT PITTSBURGH, PA 15219. IF YOU HAVE ANY QUESTIONS, PLEASE CALL OUR CUSTOMER SERVICE NUMBER AT 1-800-682-4689 AND CHOOSE OPTION 2 (STANDBY LETTER OF CREDIT) AND OPTION 2 AGAIN (CUSTOMER SERVICE).

PLEASE NOTE THE REFERENCED AMENDMENT IS TO BE CONSIDERED AS PART OF THE ORIGINAL LETTER OF CREDIT AND MUST BE ATTACHED THERETO.

WE LOOK FORWARD TO SERVING YOUR LETTER OF CREDIT NEEDS IN THE FUTURE.

SINCERELY,

PNC BANK, NATIONAL ASSOCIATION

Barbara J. Schumann
AUTHORIZED SIGNATURE



RBC Bank™

December 11, 2011

International Services - Standby L/C Unit
200 Providence Rd., 3rd Floor
Charlotte, NC 28207
S.W.I.F.T.: CNTAUS33
Tel.: 704-686-1467 or 704-686-1194
Fax: 704-686-1498
Toll-free: 1-800-938-6299

Amendment to Irrevocable Standby Letter of Credit Number 2141

Beneficiary:
City of Huntsville, Alabama
308 Fountain Circle
Huntsville, AL 35801

MS
1/5/12
OK
1-10-12

Applicant:
Capshaw Ridge III, Inc.
P.O. Box 1965
Decatur, AL 35602-1965

RE: Article 5 Sidewalk, Letter of Credit for Laurenwood Preserve Phase 3

Gentlemen:

We hereby amend our above referenced letter of credit as follows:

-expiry date extended to December 11, 2012

All other terms and conditions remain unchanged.

Sincerely,

RBC Bank (USA)

Glenda A. Martin

Authorized Signature

OK
CEK
1/11/12

Claire D. Niver

Authorized Signature



RBC Bank™

5/4 est

December 11, 2010

International Services - Standby L/C Unit
200 Providence Rd., 3rd Floor
Charlotte, NC 28207
S.W.I.F.T.: CNTAUS33
Tel.: 704-686-1467 or 704-686-1194
Fax: 704-686-1498
Toll-free: 1-800-938-6299

Amendment to Irrevocable Standby Letter of Credit Number 2141

Beneficiary:
City of Huntsville, Alabama
308 Fountain Circle
Huntsville, AL 35801

Applicant:
Capshaw Ridge III, Inc.
P.O. Box 1965
Decatur, AL 35602-1965

RE: Article 5 Sidewalk, Letter of Credit for Laurenwood Preserve Phase 3

Gentlemen:

We hereby amend our above referenced letter of credit as follows:

-expiry date extended to December 11, 2011

All other terms and conditions remain unchanged.

Sincerely,

MS
12/20/10

RBC Bank (USA)

Glenda A. Martini
Authorized Signature

Clare D. Niven
Authorized Signature

MW 12-29-13

OK
OK
1/3/2011



RBC Bank™

5/11/09

December 11, 2009

International Services - Standby L/C Unit
200 Providence Rd., 3rd Floor
Charlotte, NC 28207
S.W.I.F.T.: CNTAUS33
Tel.: 704-686-1467 or 704-686-1194
Fax: 704-686-1498
Toll-free: 1-800-938-6299

Amendment to Irrevocable Standby Letter of Credit Number 2141

Beneficiary:

City of Huntsville, Alabama
308 Fountain Circle
Huntsville, AL 35801

MS
12/29/09

Applicant:

Capshaw Ridge III, Inc.
P.O. Box 1965
Decatur, AL 35602-1965

RE: Article 5 Sidewalk, Letter of Credit for Laurenwood Preserve Phase 3

Gentlemen:

We hereby amend our above referenced letter of credit as follows:

-expiry date extended to December 11, 2010

All other terms and conditions remain unchanged.

Sincerely,

RBC Bank (USA)

Blenda A. Martin

Authorized Signature

Pen Pen

Authorized Signature

OK
CEH
12/30/09 McCarty
12-29-2009

MW 12-29-09



RBC Bank™

SW
eft

December 11, 2008

International Services - Standby L/C Unit
200 Providence Rd., 3rd Floor
Charlotte, NC 28207
S.W.I.F.T.: CNTAUS33
Tel.: 704-686-1467 or 704-686-1194
Fax: 704-686-1498
Toll-free: 1-800-938-6299

Amendment to Irrevocable Standby Letter of Credit Number 2141

Beneficiary:

City of Huntsville, Alabama
308 Fountain Circle
Huntsville, AL 35801

Applicant:

Capshaw Ridge III, Inc.
P.O. Box 1965
Decatur, AL 35602-1965

RE: Article 5 Sidewalk, Letter of Credit for Laurenwood Preserve Phase 3

Gentlemen:

We hereby amend our above referenced letter of credit as follows:

-expiry date extended to December 11, 2009

MS
12/17/08

All other terms and conditions remain unchanged.

Sincerely,

RBC Bank (USA)

Blenda A. Martin
Authorized Signature

Kristal D. McCready
Authorized Signature

MW 12-19-08

OK RCA 12/19/08

OK
CE/8
12/19/08



First American Bank

Sw ext

IRREVOCABLE STANDBY LETTER OF CREDIT NO. 2141

Place and date of issue:

Huntsville, Al December 11, 2007

Date and place of expiry:

December 11, 2008 Huntsville, Al

Applicant:

Capshaw Ridge III, Inc
PO Box 1965
Decatur, Al 35602-1965

Advising Bank:

Not applicable

Beneficiary:

City of Huntsville, Alabama
308 Fountain Circle
Huntsville, Alabama 35801

Amount: USD \$51,090.00
(Fifty One Thousand
Ninety and no/100
U.S. Dollars)

MS
12/18/07

RE: Article 5 Sidewalk, Letter of Credit for Laurenwood Preserve Phase 3

Gentlemen:

We hereby establish our Irrevocable Standby Letter of Credit in your favor available by beneficiary's sight draft(s) drawn on First American bank accompanied by the original of this Letter of Credit and the following document(s):

Original of beneficiary's statement signed by a representative of the City of Huntsville, Alabama stating that:

Quote

The draw is being made pursuant to Article 5 of the Subdivision Regulations of the City of Huntsville, Alabama.

Unquote

SPECIAL CONDITIONS:

Partial drawings are permitted.

Draft(s) must be marked: "Drawn under First American Bank Letter of Credit No. 2141 "

We hereby engage with you that all draft(s) drawn under and in compliance with all the terms and conditions of this credit will by duly honored if drawn and presented for payment between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday on a day when the Executive Vice President's office is open for business at 100 Church Street SW, Huntsville, Al 35801 on or before the expiration of this Letter of Credit.

This credit is subject to international standby practices, ISP98, as published by the Institute of International Banking Law & Practice, Bearing International Chamber of Commerce (ICC) Publication No. 590.

Authorized Signature

OK
CEH

12/19/07

SA KOK-12/19/07